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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/564,154 | 06/22/2006 | Mamoru Asakawa | DK-US030339 | 6107 |
| 22919 7590 07/11/2008 GLOBAL IP COUNSELORS, LLP 1233 20TH STREET, NW, SUITE 700 WASHINGTON, DC 20036-2680 | | | | |
| EXAMINER | | | | |
| BOCHNA, DAVID | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/564,154

Applicant(s)

ASAKAWA ET AL.

Examiner

David E. Bochna

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF 298)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

ETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwarz '422.

In regard to claim 1, Schwarz '422 discloses a pipe joint, comprising:

a joint main body 22 having a joining hole with an inside surface configured to receive a pipe; and a threaded part 24 is formed on an outer surface;

a nut 26 threaded onto said threaded part in a threaded state; and a sleeve dimensioned to be partially received in said joining hole when said nut is in said threaded state and said pipe is inserted into said joining hole, such that said nut retains said pipe 18 in said joining hole via said sleeve; tightly engaging said pipe and said joint main body by the threading of said nut onto said threaded part to the threaded state, and at least part 42 of said sleeve 40 being cut off during threading of said nut onto said threaded part to the threaded state to prevent subsequent insertion of said pipe into said joining hole when said nut is in a subsequent unthreaded state in which said pipe and said sleeve have been pulled out from said joining hole after said nut has been threaded onto said threaded part to reach the threaded state.

In regard to claim 2, wherein said sleeve 40 has a sleeve main body 72, a separating part 42 that is cut off and separated from said sleeve main body by the threading of said nut onto said

threaded part, and a linking part 62 that links said sleeve main body and said separating part together prior to said separating part being cut off.

In regard to claim 3, wherein said nut 26 and said sleeve 40 are configured and arranged a shearing force is applied to said linking part by the threading of said nut onto said threaded part in the threaded state.

In regard to claims 5, 8 and 10, wherein said joint main body 40 includes an opposing surface 12 that faces a side surface of said nut when said nut is screwed onto said threaded part and said side surface of said nut and said opposing surface of said joint main body are dimensioned to form a gap in the threaded state to obtain an appropriate tightening torque for screwing said nut onto said threaded part.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 9, 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwarz '422.

In regard to claims 6, 9, 11 and 14 Schwarz discloses that the pipe 18 is made from a metal material (cross hatching of fig. 1), but Schwarz does not disclose the specific type of metal used to make the pipe wall. However, it would have been obvious to one of ordinary skill in the art to make the pipe from copper or stainless steel because it is common and well known in the art to make pipes from these materials and the selection of a known material based upon its

suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

5. Claims 4, 7, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwarz in view of McIntosh '464.

In regard to claims 4, 7, Schwarz discloses a weak point 62 between the sleeve 72 and the separating part 42 in order to facilitate the separation of the two components upon make-up of the pipe joint, but Schwarz does not disclose that the weak point is divided up into various portions. McIntosh teaches providing the weak point 23 of a frangible sleeve with slots 25 so that the separating part 22 is a ring-shaped portion divided into at least three parts 22c in a circumferential direction, in order to make the sleeve more easily frangible upon make-up of the pipe joint. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the weak point of Schwarz to include a slotted circumferential ring, as taught by McIntosh, in order to assure that the sleeve will more easily fracture in the proper place upon make-up of the pipe joint.

In regard to claim 12, wherein said joint main body 22 includes an opposing surface 12 that faces a side surface of said nut when said nut is screwed onto said threaded part; and said side surface of said nut and said opposing surface of said joint main body are dimensioned to form a gap in the threaded state to obtain an appropriate tightening torque for screwing said nut onto said threaded part.

In regard to claim 13, Schwarz discloses that the pipe is made from a metal material (cross hatching of fig. 1), but Schwarz does not disclose the specific type of metal used to make the pipe wall. However, it would have been obvious to one of ordinary skill in the art to make the pipe from copper or stainless steel because it is common and well known in the art to make

pipes from these materials and the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Williams, Kotyk, Castrup, Kotsakis, Ziherl and Franck all disclose similar couplings common in the art.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David E. Bochna/
Primary Examiner, Art Unit 3679